

N.J.S.A. 33:1-12.18

PROCEDURE FOR LICENSEES TO PETITION THE DIRECTOR FOR A SPECIAL RULING TO AUTHORIZE ISSUANCE OF A "NEW" LICENSE BASED UPON FAILURE TO RENEW DUE TO CIRCUMSTANCES BEYOND LICENSEE'S CONTROL

(2003-2004 LICENSE TERM)

Please be advised that N.J.S.A. 33:1-12.18 applies to a licensee whose application and fees to renew its license were not filed with the issuing authority prior to the beginning of the license term, or not later than thirty days after the expiration of its license. **Therefore, when a licensee does not file its renewal application and fees on or before July 30, a 12.18 Special Ruling is required.** The statute permits a license holder to petition the Director within sixty days (until September 28) following the expiration of the license renewal period and request a Special Ruling to permit the filing of an application for a new license upon failure to timely renew. Basically, a licensee that files its renewal application and filing fees with the issuing authority, and its Verified Petition and filing fee with the Division between July 31 and September 28 must receive a Special Ruling from the Director before the license can be issued. To obtain a Special Ruling, the Director must make a written determination that the applicant's **failure to apply for a renewal of their license in a timely manner was due to circumstances beyond the licensee's control.**

In order to process a request for a Special Ruling, it is necessary for you to submit to this Division a Verified Petition **on or before September 28, 2003, ALONG WITH A VERIFIED PETITION FILING FEE OF \$100.00 (CERTIFIED CHECK, ATTORNEY TRUST CHECK OR BANK MONEY ORDERS ONLY) MADE PAYABLE TO THE NEW JERSEY DIVISION OF ABC.** **Note - this fee is separate from the Renewal Application Filing Fee of \$100 that is submitted to the issuing authority at the time of filing the renewal application with them.* A Verified Petition is, basically, an affidavit made by a licensee with direct personal knowledge concerning the required facts, which is signed and **sworn to before a notary public** or any other person authorized to administer oaths in the State of New Jersey. Your Verified Petition should include the following information:

1. Complete identification of licensee and license number;
2. Proof that the renewal application and fees were filed with the issuing authority on or before **September 28, 2003**, and the date of filing;
3. Specific recitation of efforts made to renew the license on time and difficulties encountered which prevented the timely renewal of your license. In doing so, you should include dates (or approximations thereof) of when certain activities took place so that the Director can determine whether your failure to apply for renewal in the time provided was due to circumstances beyond your control;

4. Whether you have previously petitioned the Director to authorize a "new" license pursuant to N.J.S.A. 33:1-12.18; and
5. **A certification that you filed your properly completed application and fees with the local issuing authority, and the date of filing.** Upon receipt of your renewal application and fees, the local issuing authority should thereafter defer action and forward your application and fees to this Division's Licensing Bureau. They are further instructed to not pass any resolution renewing the license until receipt of the Special Ruling from this Division.

The deadline for filing the renewal application and filing fees with the issuing authority, and Verified Petition and filing fee with the Division, is on or before September 28, 2003. The Verified Petition and filing fee are to be sent to "Director, New Jersey Division of ABC, c/o Michele Boyer, DAG, 140 E. Front Street, 5th Floor, P.O. Box 087, Trenton, NJ 08625." The renewal application and filing fees are to be submitted directly to the issuing authority, not this Division, by the licensee.

Please submit evidence which supports justification for the Director to issue a Special Ruling by including copies of relevant documents, such as dated and signed letters, and correspondence concerning your attempts to renew your license.

A copy of the Verified Petition must be submitted to the clerk of the local issuing authority at the same time submission is made to the Director. This permits the local issuing authority to renew the facts, as you have stated them, and supply us with any comments they wish to make. I am, by copy of this letter, so advising the clerk of the local issuing authority of this process and requirement.

The filing of your Verified Petition does not eliminate your responsibility to continue to apply for renewal of your license on or before June 30th of each year with your local issuing authority during the pendency of this petition.

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